IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 945 OF 2007

Mr. Rajesh Pranlal Ghatalia ..Petitioner

Vs

The State of Maharashtra ..Respondent

Mr. I.A. Bagaria i/by S.S. Khan for petitioner.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 18, 2007.

P.C.:

1. Heard Mr. Bagaria the learned counsel for the petitioner who had applied for the return of car of Honda City made and bearing Registration No. MH-04-BU-4015 which has been seized by the Wada Police Station in C.R. No.II-13/2006. The said application registered as Criminal Misc. Application No. 158 of 2006 has been rejected by the learned Special Judge (M.C.O.C. Act), Thane on 2/12/2006.

2. The learned Judge has recorded that the allegations against the applicant are serious and that

he has purportedly siphoned off the money to purchase the said car from an account which is a subject matter of a fraudulent business transaction. The accused is alleged to have formed a crime syndicate and had imported Naphta in the name of fictitious company M/s. Shiva Organics India Ltd. and had illegally obtained financial gains in the name of M/s. Shiva Solvent. The subject car has been purchased by making use of the amount from M/s. Shiva Solvent and M/s. Aarey Drugs and Pharmaceuticals Ltd.

3. The learned counsel for the petitioner states that he is ready and willing to furnish surety bond in the sum of Rs.5,00,000/- if the car is released. In the impugned order it is noted that the car is purchased for an amount of Rs.7,50,000/- in the year 2004.

4. I am, therefore, satisfied that the car deserves to be released on furnishing surety bond in the sum of Rs.5,00,000/- and hence it is directed that the said car be released on furnishing the said surety bond before the trial court. Consequently, the

impugned order stands set aside. The petitioner also undertakes to produce the car as and when required in C.R. No.II-13/2006.

5. The petition is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)